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**Human Rights Committee**
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**Consideration of reports submitted by States parties under article 40 of the Covenant**

## List of issues in relation to the third periodic report of Serbia

**Addendum**

## Replies of Serbia to the list of issues*

[Date received: 20 December 2016]

* The present document is being issued without formal editing.

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## Constitutional and Legal Framework in which the Covenant is Implemented (article 2)

1. For the prosecutors, judges, judicial assistants and advisors, training on human rights, and introduction to the contents of the International Covenant on Civil and Political Rights, continuously, in accordance with the established annual programme, is performed by the Judicial Academy. Training for lawyers is performed by the Attorneys Academy.

2. The Committee for Monitoring the Recommendations of the UN Mechanism for Human Rights has no jurisdiction over individual petitions and it could have not undertaken the specific activities regarding the petition number 15561/2007 (Novaković vs. the Republic of Serbia). Members of the Council will be informed about this issue during the next session. The Committee's decision in case of Novaković was published in the "Official Gazette of the RS" No 10/12. Activities for payment of corresponding compensation to the petitioners have been initiated.

## Non-discrimination and prohibition of public advocacy of national, racial or religious hatred (articles 2, 3, 20 and 26)

3. The Law on Amendments to the Law on Prohibition of Discrimination is in drafting along with harmonization with the EU directives, in cooperation with the Commissioner for the Protection of Equality and through consultation with the European Commission. The analysis of the applicable Law implementation will be completed by the end of this year, with the support of OSCE Mission to Serbia.

4. According to the First Report on monitoring the implementation of the Action Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination 2014-2018, for the fourth quarter of 2014 and the first quarter of 2015, the percentage fulfilment of the indicators is:

- Fulfilled in 47.82% of cases,
- Not fulfilled in 28.98% of cases,
- Partially fulfilled in 7.44% of cases,
- 14.49% of situations there are no data on fulfilment of indicators,
- 1.44% of situations the implementers entered contents not in the Action Plan in their Questionnaire.

5. In the Second Report for the period of the second, third and fourth quarter of 2015, data on the fulfilment of the indicators are:

- Fulfilled in 46.3% of cases,
- Not fulfilled in 10.0% of cases,
- Partially fulfilled in 21.8% of cases,
- 21.86% of cases there are no data on fulfilment of indicators.

6. The Third report, covering the second quarter of 2016, is in its final stage of development. The revision of the Action Plan was also performed.

7. The proceedings on the basis of discrimination were conducted by only 67 Basic Courts. The First Basic Court in Belgrade had three cases, out of which one is resolved, and the Basic Court in Paraćin had and resolved two cases.

8. Workshops for team work strengthening, strategic plan development capacity building, roundtable about anonymous reports and English language course were organized for the staff of the office of the Commissioner for Commissioner for the Protection of Equality. IPA 2012 Twinning Project "Support to Human Rights Promotion and Zero Tolerance for Discrimination" is being implemented. The office of the Commissioner was moved to bigger premises.

9. Implemented actions and measures foreseen in the Action Plan for the implementation of the Strategy of prevention and protection against discrimination in order to improve the status of women, persons with disabilities, the elderly, migrants and asylum seekers.

10. The Law on Movement Using Guide-Dogs, Law on Use of Sign Language and the Law on Prevention of Discrimination against Persons with Disabilities were adopted. The Strategy and the Action Plan for promotion of status of persons with disabilities in the Republic of Serbia until 2020 were drafted.

11. Media campaigns are continuously implemented, and media content pointing to the necessity of change of stereotypes on gender roles are continuously published.

12. The Commissariat for Refugees and Migration worked on the increase of the number of media reports, and, supported by the donors, implemented trainings for at least 1,000 young people with the CSOs.

13. Trainings aimed at capacity building for more efficient monitoring of the planned activities and achieving of the planned indicators were organized for the representatives of the state institutions, responsible for the implementation of the activities according to the Action Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination, and the CSOs.

14. In the past period, professional knowledge on treatment of LGBT persons and their families was gained by the members of the polices, judges and staff of Centres for Social Work (more than 1,000 staff of CSWs).

15. The Pride and the first assembly of the trans* persons were held on 20 September 2015. This year, one of the priorities is the status of the trans* persons in the society, and the walk in the centre of Belgrade, on 25 June 2016, was performed without incidents and with minimum security. The third Pride was successfully organized on 18 September 2016, and representatives of the international organizations and public institutions were also present.

16. Within the "Creating Tolerance and Understanding of LGBT Population in the Serbian Society", 11 grants were awarded to CSOs. Activities aimed at raising awareness on the existing issues and the importance of increased visibility of the LGBT community were implemented in several local self-government units, as well as through use of the Internet and social networks. Preparations for the implementation of the media campaign at the local and national levels, along with advanced training of the police, centres for social work staff and holders of judicial functions are ongoing.

17. The Report on HIV/AIDS Response in 2015 is available at http://www.batut.org.rs/index.php?category_id=173Narrative Progress Report on HIV/AIDS Response of Republic of Serbia in 2015.

18. DUGA Association realized the "Testing is Fashionable. Get HIV Tested!" during the Fashion Week, together with the Serbian Public Health Institute.

19. The Action Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination until 2018 envisages the implementation of the measure

pertaining to developing the Draft Law on Gender Identity to regulate the position of the transgender persons.

20. As a part of training of the public prosecutors and public prosecutor deputies, the Judicial Academy and the Office for Human and Minority Rights, supported by the OSCE Mission to Serbia, initiated the pilot programme "Hate Crime — Training for the Representatives of the Judiciary" at the end of 2015. The training includes introduction to the specificities of hate crime, relevant international provisions as well as the practice of the European Court for Human Rights and the UN Committee.

21. In 2015, in cooperation with the "Labris" organization, the Ministry of Interior held seminars for 120 police officers — "Same Sex Orientation and Gender Identity in the Work of the Police Officers". During February 2016, in cooperation with the organizations: "Labris", "Parada Ponosa Beograd", "Duga", and "Izadji" support group for young LGBT persons, "Work and Cooperation of the Police with LGBTI Community — Meet the Liaison Officers" roundtables were held.

*Number of reported cases, initiated civil proceedings and verdicts*

| *Year* | *Number of criminal charges* | *Indictments* | *Convictions* |
|---|---|---|---|
| 2015 | 79 | 7 | 19 |
| 2014 | 87 | 21 | 14 |

22. In December 2015, the Republic Public Prosecutor adopted the General Compulsory Instruction on keeping the special records on certain criminal acts, among other, the criminal act made out of hatred, in terms of Article 54a of the Criminal Code and the obligation of the appellate public prosecutors to submit quarterly reports to the Republic Public Prosecutor's Office. These records include data on the perpetrator, injured party, actions undertaken and public prosecutor's and judicial decisions made, as well as data on the motives for committing an offense.

23. The process of evaluation of the Employment Strategy for the first 5 years of implementation is ongoing, along with establishing further directions of the employment policy until 2020. Support to this process is also provided by the ILO, WB and EC.

24. The programme of reform of the employment and social policy in the process of the EU accession was adopted on 31 May 2016, and it is the key document in the field of employment and social policy.

25. The field of Roma employment was particularly addressed in the Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025.

26. In accordance with the National Action Plan for Employment for 2016, further support to employment in the private sector is planned, along with focusing measures of active policy of employment to less developed/underdeveloped areas and increased inclusion of persons from the less employable category (among which there are the representatives of Roma ethnic minority). The Roma are the category of less employable persons, for the employment of which the employers from the private sector may exercise the right to subsidy in 2016. The special public call for granting subsidies for self-employment of Roma was also published. In the first half of 2016, 2.253 Roma were included in active employment policy measures.

27. After the adoption of the Social Housing Strategy, measures regarding the promotion of housing condition in the sub-standard settlements are applied through the implementation of "We are Here Together — European Support for the Inclusion of Roma" IPA 2012 Project.

28. The implementation of the Programme of building the social housing apartments is also ongoing in 6 Serbian towns and cities, for the members of Roma population, among others. 65 apartments were built, out of which 49 for leasing. Completion of another 70 apartments is expected by the end of 2016, and construction of additional 30 apartments is planned through continuation of the Programme, to provide for 28 more apartments for leasing to households with lower income. The apartments from this Programme are leased pursuant to the Regulation on conditions and criteria for establishing the order of priority of tenants for apartments built under the Programme for building the social housing apartments. In accordance with criteria of this Regulation, the advantage in resolving the housing need through leasing the apartment is given to the members of Roma population as well. As the ethnicity cannot be established solely on the basis of personal declaring, we cannot state for sure how many Roma families resolved their housing issue through this programme.

29. Draft Law on Housing and Building Maintenance was harmonized with the CCPR by stipulating the corresponding means of legal protection, forming criteria for the exercise of housing assistance to citizens, and it also provides the legal protection against/during eviction and relocation of persons. Local self-government units (LSGUs) are obliged to report to the competent ministry.

30. The continuity in work on providing access to services and better quality of Roma citizens is continued by the adoption of the new strategic document, through the implementation of the previous Strategy for Improvement of the Status of Roma until 2015 and through inclusion in the Decade of Roma Inclusion (2005-2015).

31. Through amendments to the Law on Non-Contentious Procedure, the subsequent registration of birth into the Register of Births has been exercised by more than 25,000 persons so far.

32. According to the survey "Persons in Risk of Statelessness in Serbia — Progress Evaluation 2010-2015", published by the UN Agency for Refugees, the number of the "legally invisible" Roma, Ashkali and Egyptians was cut in half over the past four years.

33. In the LSGUs, there are 174 teaching assistants contributing to better results of Roma pupils and the enrolment of Roma children in the preschool institutions.

34. The results of the work of 75 health mediators contributed to healthcare promotion. The free advisory telephone line for parents started operating in May 2016.

35. On October 2016, there were 25,578 Roma, out of which 11,834 women on the records of the National Employment Service. 2,412 Roma (879 women) from the records of the unemployed persons were employed in the first ten months of 2016. 249 entrepreneurs hired Roma in 2015. Through the IPA 2012 (EUR 500,000), 17 enterprises with 60 employed Roma were supported, and in cooperation with the Statistical Office of the Republic of Serbia, the database for monitoring the process of the Roma inclusion was established.

36. Better intersectoral cooperation and the division of responsibilities and responsibilities between the local stakeholders dealing with Roma issues was achieved through forming of mobile teams in 20 LSGUs.

37. The body for coordination of donor assistance was established for the first time, to enable better coordination of the Government's activities in the implementation of the donor funded projects.

38. In October 2016, sharing of good practices and experience in resolving the housing issues through 18 models of housing provision through the work of mobile teams was

performed in October 2016, with 32 LSGus. Mayors and presidents of 20 municipalities and cities signed the first Declaration on Improvement of Roma Status at the Local Level.

39. Apart from the social apartments, purchase of the first rural households, as the more humane way of resolving the housing issue was also initiated. In the municipalities where the houses and apartments were purchased, Roma submit applications to the CSWs and the market labour, and children are included in the educational process.

40. Records on the number and location of the informal settlements was established for the first time, enabling the allocation of funds in accordance with the plan. 583 informal/illegal Roma settlements were identified and the detailed assessment of the situation in the sub-standard Roma settlements in 20 pilot municipalities was performed. 13 urban plan are being drafted in 11 municipalities, and technical documentation for improvement of sub-standard Roma communities in 14 municipalities was completed. The Ministry of Construction created the software for the Geographic Information System (GIS).

**1,300 Roma children enrolled preschool institutions in 2015 and 2016**

41. The Rulebook on detailed conditions for establishing the priority for the enrolment of children into the preschool institutions stipulates that children from vulnerable groups have the right of priority during the enrolment into a preschool institution. Attending the preparatory preschool programme is free for all children. The campaign for the increased coverage of children from the vulnerable social groups by the preparatory preschool programme and primary education has been conducted since August 2015. The Social Inclusion Group sent guidelines with the expected/proposed activities for preschool institutions, teaching assistants and Red Cross commissioners to all the stakeholders.

42. All the children from the newly formed settlements on the territory of Belgrade were enrolled into the preparatory preschool programme and primary school, they also have the organized transport free of charge, and assistant assisting both parents and children.

43. The IMPRES project (EUR 3.75 by the IPA funds) includes 15 pilot municipalities and towns. More than 1,700 children who had not been enrolled into kindergartens before, benefited from development of special and specialized educational programmes. 10 vehicles for the access of 290 children from vulnerable groups from distant and poor areas to preschool education were provided, and as 7 kindergartens were built, another 450 children were given the same opportunity. Accessibility of the preschool education in all the municipalities increased by almost 30%.

44. Pursuant to the Rulebook on criteria and procedure for the enrolment of Roma students into the high schools under more favourable conditions to acquire full equality in the school year 2016/17, 975 students from Roma families were assigned to high schools. Through the implementation of measures of the affirmative action, 3,438 students were enrolled into the high schools and the system of monitoring the regular attendance of classes and achievements of students was established. Pursuant to the Rulebook on criteria and procedure for the enrolment of Roma students into the high schools under more favourable conditions to acquire full equality in the school year 2016/17, 975 students from Roma families were assigned to high schools.

45. In order to continue with education, Roma students receive scholarships through the IPA 2012 TARI project. 520 scholarships are awarded from the first to the fourth grade of secondary schools (three-year and four-year educational profiles) in the amount of RSD 3,900 per month. The support is provided by 201 teachers — mentors. 176 Roma students with excellent grades, receive the scholarships of RSD 5,400 a month from the Budget of the Republic of Serbia.

46. In the school year 2015/16, the Roma language course was introduced to the Faculty of Philology, University of Belgrade. 23 future Roma language teachers obtained certificates on the passed A1 and A2 levels. During the school year 2015-16, Roma language with elements of the national culture was introduced to 18 primary schools as an elective course.

47. The Ministry of Education and UNICEF Office in Serbia supported the "Info Line for Parents — Support to Inclusive Education" Project.

48. During the school year 2015/16, 115 children returnees were recorded, in accordance with the readmission for which the comprehensive support measures are implemented.

49. According to the data of the Statistical Office of the Republic of Serbia on the first and the second mother tongue, in the school year 2015/2016, there were 826 children whose first language is Roma were registered along with 471 children whose second mother tongue is Roma. The number is lower than the real one but parents are not obliged to declare ethnicity.

50. The Rulebook on detailed criteria for identifying the forms of discrimination by the employee, child or a third person in the educational institution was adopted.

## Equal right of men and women (article 3)

51. Since February 2016, Serbia has been using the EU Gender Equality Index in six domains: distribution of time, money, work, knowledge, power, health, and the two satellite domains: violence against women and intersecting inequalities. The Statistical Office of the Republic of Serbia and the European Institute for Gender Equality have initially calculated that the Gender Equality Index for Serbia is 40.60% (EU average being about 52%).

52. Gender budgeting was introduced, initiated by the Coordination Body for Gender Equality, supported by the United Nations Entity for Gender Equality and the Empowerment of Women, in cooperation with the Ministry of Finance. 457 civil servants completed the training.

53. The work on promotion of the strategic work is intensive so as to establish the continuity with the existing strategic documents and the accompanying action plans.

54. According to the data of the Central HR Records of the HR Management Department, there are 62.24% out of the total number of civil servants are women. There are 53.23% in the executive positions and 45% of jobs regarding holding an office are the jobs occupied by women. After the parliamentary elections earlier this year, the National Assembly was constituted, and there are 34% of women MPs. The Chairperson of the National Assembly is a woman, along with the two deputy chairs. There are 5 women ministers in the Serbian Government, and one of them is the Deputy Prime Minister and the Head of the Coordination Body for Gender Equality.

55. The Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025 stipulates measures pertaining to prevention and reduction of juvenile and forced marriages and juvenile pregnancies in the Roma community.

56. CSOs, schools and social welfare institutions, coordinators for Roma issues and health mediators contribute greatly to prevention of juvenile marriages.

57. The Office for Human and Minority Rights supports the CSOs implementing programmes supporting the raising of awareness and training primarily of young Roma women and children, as well as the wider population and the representatives of educational and other institutions about prevention of child, early forced marriages.

58. In 2016, the Draft Law on the Equality of Women and Men is in the procedure of harmonizing the positions of all the relevant stakeholders, in particular the CSOs, after which it will be in the Assembly procedure.

59. In January 2016, the National Strategy for Gender Equality 2016-2020 with the Action Plan for 2016-2018 was adopted. The objectives are: change of gender patterns and promotion of the gender equality culture; increased equality between women and men through implementation of equal opportunity policies and measures, as well as the systematic introduction of gender perspective into the adoption, implementation and monitoring of the public policies.

## Violence against women and children, including domestic violence (articles 2, 3, 6, 7, 24 and 26)

60. The Ministry of Justice initiated the "Exclude the Violence" Internet campaign (#iskljucinasilje), to raise awareness on domestic violence and presentation of the new legislative measures, training of various target groups, approximation of the legislative measures to both those who are or who may be victims or perpetrators of domestic violence, as well as wider social community so that it could be able to recognize it and react properly. One of the priorities of this campaign is the call to all the ones directly or indirectly connected with any form of domestic violence to act.

61. The Ministry in charge of education implemented the Prevention of Gender-based Violence in 50 primary and secondary schools with UNICEF. Within the project, 1.800 staff of the educational institutions, along with 5,800 girls and 4,900 boys were trained to recognize and react in situations of the gender-based violence. The survey on frequency of gender-based violence covering 11,669 boys, 10,708 girls and 3,258 teachers was conducted.

62. The publication Survey of Gender Based Violence at Schools in Serbia was made. the Manual for Prevention of Gender Based Violence was distributed to all the schools. The instrument for evaluation of gender-based violence was developed, and the national report on prevalence of gender-based violence was prepared.

63. The Coordination Body for Gender Equality, in cooperation with national and international partners, prepared the continuation of the project "Integrated Response to Violence against Women and Girls", (SIDA, EUR 950,000). In accordance with the National Action Plan for Gender Equality, the Project focuses on building the institutional and strategic framework for combating violence against women and girls; prevention of violence at schools; provision of support to victims of violence; social and health protection, including the national SOS phone, working with perpetrators; identifying gender-based violence, dominant gender norms and introduction with the mechanisms for protection of rights of women and children. The Project also includes drafting of the National Strategy for Combating Violence against Women.

64. The Law on Prevention of Domestic Violence was also adopted, and it stipulates that the measure of temporary removal of the perpetrator from the apartment and measure of a temporary restraining order, for 48 hours, will be ordered by the police officer in charge of domestic violence. The measure duration can be prolonged based on the Public Prosecutor's proposal to the court. Emergency measures can be prolonged by the court until the end of the completion of the procedure for ordering measures for protection against domestic violence, pursuant to the Family Law, as per the claim of the Public Prosecutor.

65. The minister in charge of social affairs issued the Special Order to CSW defining the procedure and responsibility for work in all the cases when the domestic violence is reported.

66. In November 2015, the Rulebook on detailed conditions and standards for providing the service of telephone helpline for women experiencing violence, pursuant to Article 24 of the Istanbul Convention.

67. Twelve out of 14 safe houses (total capacity 160 persons) are state owned, out of which three provide accommodation free of charge, and one of the remaining two is used for the emergency accommodation. The Coordination Body for Gender Equality was planning to perform mapping of the capacity of the existing services for the victims of violence against women and introduce a single telephone helpline for victim support.

68. The Draft Amendment to the Criminal Code harmonizing the legislative framework with the Council of Europe Convention on preventing and combating violence against women and domestic violence.

*Annual review of Public Prosecutor's Offices acting on the criminal offense of domestic violence pursuant to article 194 of the Criminal Code for 2013 and 2013 as per number of persons*

| | *Number of persons reported* | **Total dismissed** | *Investigations* | **Total charged** | *Jail* | *Mandatory fine* | *Work in the public interest* | *Conditional sentence* | *Court reprimand* | *Safety measures* | **Total convicting judgments** | *Acquittal* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2013 | 5 748 | **2 033** | 483 | **2 674** | 533 | 24 | 13 | 1 386 | 10 | 37 | **1 987** | 131 |
| 2014 | 6 436 | **3 277** | 316 | **1 897** | 442 | 19 | 11 | 1 252 | 3 | 13 | **1 740** | 112 |

69. In all the SCW, a mandatory 24 hour duty for immediate intervention cases for protection of child from abuse and neglect, carried out in cooperation with the police and healthcare services, was introduced.

70. All the social welfare institutions for accommodation of the beneficiaries are obliged to inform the inspection of the ministry about every incident in the institution without delay, verbally, and in writing within 24 hours at the latest, and there are also the internal procedures to be followed in the mentioned situations.

71. Units for protection of children victims or witnesses in civil proceedings were established within four residential institutions (homes) under transformation. This service has been used in 18 cases so far, some of them related to support in conducting the forensic interview, and others to preparation of children for court proceedings.

72. A special protocol on the conduct of the police officers in case of protection of minors from abuse and neglect has been innovated after six years of implementation, and special attention was paid to the protection of personality of a minor as a victim and the manner of conducting an interview with that minor. This protocol is available on the web site of the Ministry of Interior, within the "Children and the Police" link, and the electronic database of regulations Paragraf lex. With the support of Save the Children, 2,000 copies were delivered to the police officers.

Agreements on Intersectoral Cooperation in implementation of the General Protocol for protection of children against abuse and neglect were signed in Belgrade, Novi Sad, Niš and Kragujevac.

73. Since the beginning of the implementation of the Law on Juvenile Offenders and Criminal Protection of Minors, 1.994 policemen have been trained.

74. In all the police administrations and stations in the Republic of Serbia, 24 hour availability of the trained policemen for both children and their parents or guardians is provided, along with equal treatment of the police in terms of protection of juvenile victims and the manner of conducting an interview with those persons.

75. In order to prevent violent offences and felonies with the elements of abuse, the police undertakes operational and preventive actions: "School Cop", "School without Drugs and Violence", "Armagedon — Protection of Minors against Exploitation in Pornography".

There are the Unit for prevention and the Group for Protection against Violence and Discrimination in the Ministry of Education. About 6,000 pupils and staff have also been trained in identifying and responding in situations of digital violence.

76. The amendments to the Family Law stipulate the introduction of the prohibition of physical punishment of children and use of physical force as pedagogical means, and the amendments pertaining to protection of children from the domestic violence.

77. The draft of the Civil Code, in the stage of public hearing, contains two alternatives: "Each abuse of a child, particularly physical punishment, shall be prohibited", and "The abuse of a child, in particular the inappropriate physical punishment, shall not be allowed".

## Right to life, prohibition of torture or cruel, inhuman or degrading treatment or punishment, as well as the right to an effective remedy (articles 2, 6 and 7)

78. As per order of the War Crimes Prosecutor's Office of 9 November 2015, the scene investigation at the mine Kiževak, Raška Municipality started in order to find the possible mass grave. After temporary suspension of works due to bad weather and the lack of funds, the investigation has been ongoing since 5 September 2016.

79. New request for search were opened, upon the request of families that have not reported the missing of their family members so far as they have been living in the diaspora since 1999. The Commission on Missing Persons forwarded the request to EULEX and ICMP in order to take blood samples and compare them with bone samples of the unidentified remains stored in the morgue in Priština.

80. Expecting the Special Court for the crimes committed by KLA, in accordance with the conclusions from the meeting with the representatives of the Special Team for investing the KLA crimes from Brussels and the Serbian War Crimes Prosecutor's Office, the Commission is working on collecting information, documentation and other evidence. On 19 October 2015, the Committee for Kosovo and Metohija of the National Assembly adopted the Decision on forming of the Working Group for collecting facts and evidence in shedding the light on crimes committed against the Serbs and other national communities on Kosovo and Metohija.

81. The representatives of Belgrade delegation of the Working Group for the Missing Persons and the Working Sub-group for Forensic Issues attended the test excavation on the location near the Temple of Christ the Saviour in Priština on 13 and 14 July 2016, when the remains were not found.

82. The fourth updated issue of the Book of Missing Persons on the territory of the Republic of Croatia of 30 October 2015, includes the list of 2,138 missing persons and the remains from the territory of the Republic of Croatia, out of which, 1,716 requests pertain to the missing persons and 422 request to search for remains. Since the last edition, 244 cases have been resolved, and 60 new demands for search have been opened.

83. In December 2015, on the local graveyard in Gornje Selište near Glina, the exhumation of remains of the victims of the Serbian ethnicity killed during the action "Storm" started. 56 remains were exhumed and samples for identification were taken.

84. In December 2015, the trip to the Institute of Forensic Medicine and Criminology in Zagreb was organized for the members of families of the missing persons living on the territory of the Republic of Serbia, to enable the identification of the victims of Serbian nationality. The remains of 18 victims were identified, and the remains of 8 persons were brought to the Republic of Serbia.

85. The Serbian Prime Minister and the President of the Republic of Croatia signed the Declaration on improvement of relations and resolving of the opened questions between the Republic of Serbia and the Republic of Croatia on 20 June 2016.

86. On the joint session of the Serbian Government and the Council of Ministers of BaH in Sarajevo in November 2015, the Protocol on cooperation in searching for the missing persons was signed.

87. The Republic of Serbia signed the Agreement on the Status of the International Commission for the Missing Persons in the Hague in December 2015.

88. The International Commission for the Missing Persons organized the meeting with the representatives of association of families of the missing persons at Kosovo and Metohija in Belgrade in May 2016. The topic of the meeting was "Review of John Doe Cases in Kosovo" in order to point to the issue of wrong identifications performed by the classical method in 1999 and 2000.

89. In the process of harmonizing with the EU standards, Serbia will start drafting the national strategy for victim rights during 2017, in order to define the necessary reform steps in this field.

90. Apart from identifying and processing the war crimes, authorities dealing with war crimes are also working on meeting the objectives and implementing the activities stipulated by the Action Plan for Chapter 23 in which there are five recommendations improving the status in the field of war crimes.

91. The National Strategy for Processing the War Crimes in the Republic of Serbia was adopted in February 2016. This Strategy states that the existing capacities of the authorities in charge of processing war crimes are insufficient for meeting the objectives set or to meet all the activities planned by the Action Plan for 23. The lack of the existing capacity is the most prominent in the War Crime Prosecutor's Office.

92. The Serbian State Council of Prosecutors announced the ad for the selection of one deputy prosecutor for war crimes on 8 April 2016, and the legal procedure of the selection is still ongoing.

93. The War Crime Prosecutor's Office is currently working on establishing the service for information and contact with witnesses and engaging an expert for psychological support to witnesses and injured parties in cases of war crimes.

94. Also, in terms of the increase of the administrative capacities, the consultations among the Unit for protection of participants in the civil proceedings, War Crimes Investigation Service and the War Crime Prosecutor's Office are ongoing.

95. The War Crimes Investigation Service cooperates and acts upon the requests of the War Crime Prosecutor's Office, with which it has formed joint teams to improve the quality of investigations and more efficient procedure. At present, the Service is working on more than twenty cases of war crimes. There are three mechanisms for exercising the right to compensation to victims of war crimes: through the administrative procedure of

recognizing the status of the civilian victim of war, through court proceedings for the compensation of damage against the Republic of Serbia and by submitting the property claim in criminal proceedings.

96. Cases of death in detention are to be immediately reported to the competent Prosecutor's Office and the police and the autopsy is ordered. In case of a reasonable doubt that the case is the result of a criminal offense, the Prosecutor's Office is to initiate the proceedings ex officio. In these cases, the Prosecutor's Offices run the proactive investigations.

97. By proceeding in accordance with the measures ordered to the Republic of Serbia by the judgement of the ECHR in the case of Zorica Marković, the Ministry of Justice, Ministry of Interior and the Ministry of Health undertook a series of activities in terms of finding ways to establish the facts regarding the whereabouts of the children suspected missing from the maternity wards in the Republic of Serbia. The position is to prepare the adoption of a special law, in accordance with the recommendation of the ECHR.

98. The Working Group in which apart from the representatives of the aforementioned ministries, the representatives of the Republic Public Prosecutor's Office, appellate courts and associations of missing babies also participated, prepared the Draft Law. A public hearing was organized, after which the comments and suggestions were accepted. The Ministry of Justice is the principal proposer of the law, and it continuously monitors the course and manner of preparation of this law to establish the legislative framework for determining the whereabouts of the "missing babies".

99. The Republic of Serbia undertook no activities in order to increase the maximum jail sentence for torture and criminal offenses and extension of the deadline for extending the statute of limitations for crimes that include torture.

100. In terms of amending the definition of torture in the Criminal Code, the amendments planned pertain to domestic violence and protection of women against violence. Regarding the plan for prevention and suppression of torture and mistreatment, the Republic of Serbia plans to strengthen the capacity of the Ombudsman, particularly in its role as the National Torture Prevention Mechanism. The plan is to achieve a higher level of coordination and raise general awareness on the necessity of complete elimination of all forms of torture through defining clear channels of communication between the police officers, NPM and CSOs. Through the initial and continuous training sessions for the police officers, institute for enforcement of criminal sanctions and enforcement judges, a higher level of expertise and awareness on the necessity of establishing zero tolerance for torture will be established. The Judicial Academy delivers the training dedicated to prohibition of torture from the international law, within the human rights module.

101. Criminal prosecution of the perpetrators of the criminal offence mistreatment and torture is performed ex officio. The Public Prosecutor, pursuant to Article 6 of the Criminal Procedure Code, is obliged to undertake criminal prosecution when there when there are grounds for suspicion that a criminal offense was performed or that a certain person performed an offense for which prosecution ex officio is stipulated.

102. IAN Centre for rehabilitation of torture victims is the only one specialized for professional, comprehensive rehabilitation of persons who experienced torture and members of their families. More than 4,500 persons and family obtained some kind of psychological, psychiatric, general and specialist medical assistance, free medicines, legal assistance and representation in court, as well as the professional capacity building (courses of IT, English language, entrepreneurship and social skills).

103. From 2008 to 2013, 13 claims for compensation of non-material damages were filed by victims of torture or their families, one of which was dismissed as premature, two of which are ongoing, and four cases have not been completed in terms of final judgment yet.

104. In the Administration for Execution of Penitentiary Sanctions, due to excessive use of coercive measures against persons deprived of liberty, the disciplinary sanctions against the staff were imposed in the previous period: in 2011 — 5 (4 monetary fines and one measure of termination of employment); in 2012 — 5 (4 monetary fines and one measure of termination of employment); in 2013 — 1 (monetary fine); in 2014 — 8 (monetary fines) and in 2015 — 7 disciplinary penalties (monetary fines).

**Convicted adults, per criminal offense and imposed criminal sanctions 2013-2015**

| | *Against freedoms and rights of humans and citizens* | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | *Abuse and torture* | | | | | | | |
| *Year* | *Jail* | *Monetary fine* | *Conditional conviction* | *Work in the public interest and confiscation of driver's licence* | *Court reprimand* | *Corrective measure* | *Found guilty but no penal sentence* | ***Total*** |
| 2015 | 6 | 7 | 26 | - | - | - | 1 | **40** |
| 2014 | 18 | 4 | 21 | 1 | - | - | - | **44** |
| 2013 | 19 | 8 | 38 | 1 | 2 | 2 | | **70** |

## Rights of persons with disabilities (articles 2, 16, 23, 25 and 26)

105. By adopting the Law on Protection of Persons with Mental Disabilities and the Law on Amendments to the Law on Non-Contentious Procedure, the regulatory framework was established for exercising the right to full protection of persons with mental disabilities and improvement of their mental health through prevention, care, treatment and psychosocial rehabilitation in adequate healthcare and other institutions, recovery and inclusion into the family, working and social environment, with full respect of the choice of the person with mental disabilities, whenever possible.

106. Physical restraint, forced hospitalization and isolation are permitted only in exceptional cases, when there is no other way of preventing the individual from threatening their own life and safety, or life and safety of a third party under risk. The individual's legal representative is to be immediately informed on the decision made by the psychiatrist, with a detailed written explanation. In case of admittance to the psychiatric ward without consent, emergency examinations are to be undertaken within 24 hours, with informing the competent court. Within three days from the receipt of information, the court is to have a hearing in the detention unit in question. Health inspection of the Ministry of Health performs the control of the implementation of the Rulebook on detailed conditions for use of physical restrain and isolation of persons with mental disabilities being treated in the psychiatric institutions. Between January and April 2016, seven inspection supervisions pertaining to the implementation of the aforementioned Rulebook were performed.

107. In the Republic of Serbia, the psychotropic medicaments are prescribed by both psychiatrists and neuropsychiatrist, all the medicaments have to be on the list adopted by the National Health Insurance Fund and Agency for Medicines, and they have to comply with the EU regulations. Pursuant to the Law on Patient Protection, these treatment measures may be undertaken without the consent of the person in question and/or their legal representative if the person is deprived of legal capacity.

108. Amendments to the Family Law are being prepared in the part pertaining to the notion of deprivation of legal capacity in terms of eliminating the full deprivation of legal capacity. The applicable Law on Non-Contentious Procedure governs the details of the procedure of deprivation of legal capacity.

109. There are no provisions limiting the right to marry of persons with disabilities. Provisions of the Family Law stipulate that the marriage is null and void it includes a person incapable of making judgments, and if that person later becomes capable of making judgments, the marriage is voidable. Incapacity of making judgments results in nullity of any legal affair undertaken, including marriage. The aforementioned does not pertain to persons with disabilities exclusively. Legal provisions also provide the opportunity to persons with disability to vote outside of the polling station and with the help of an assistant, including guide dogs.

## Liberty and security of person and treatment of persons deprived of liberty with humanity (articles 7, 9 and 10)

110. Within the two newly built facilities, the Police Station in Bač and the Police Department in Bataјnica, premises for detention were also built in accordance with all recommendations for construction, adaptation and equipping. In September 2015, the reconstruction of premises for detention at the Police Administrations in Novi Pazar and Kikinda and Police Stations in Sjenica, Tutin and Kanjiža was performed.

111. The implementation of the Strategy for reduction of overload of the accommodation facilities at the institutes for enforcement of criminal sanctions in the Republic of Serbia in the period between 2010 and 2015 resulted in the reduction of the overpopulation (on 31 December 2010, there were 11,211 persons deprived of liberty in the institutes, and on 1 January 2016, there were 10,064 persons). The accommodation capacities in the institutes are 9,459 places.

112. Offices for enforcement of alternative sanctions were opened at the seats of all the higher courts (25 offices), additional commissioners were hired, numerous roundtables and training sessions for holders of judicial office and commissioners were organized, along with public promotion of the results achieved in order to raise public awareness. In 2015, the number of the enforced alternative sanctions and measures increased (368 penalties of working in the public interest imposed; 7 conditional sentences with the protective supervision; 1214 jail sentences without leaving the premises in which the sentenced person is living (house arrest) and 178 measures for ensuring the presence of the defendant and smooth conduct of criminal proceedings — prohibition to leave an apartment (house arrest).

113. The Administration was continuously working on improving the conditions of accommodation and capacity increase. Four wards in the District Prison in Belgrade were renovated along with three wards in the Special Prison Hospital; new capacities in the District Prison in Subotica were provided; capacities of the admission department of the Youth Correctional Institution in Kruševac were renovated; the reconstruction of the Juvenile Correctional Institution in Valjevo was completed; the facility for the accommodation of the elderly and persons with disabilities in the Penal Correctional Institution in Požarevac — Zabela was reconstructed, and the reconstructions of the accommodation facilities in the Penal Correctional Institution in Niš and Penal Correctional Institution in Sremska Mitrovica were completed.

114. Numerous investments are planned according to the Strategy for development of the system of enforcement of criminal sanctions until 2020.

115. Between 2012 and 2016, there was the constant increase in the number of persons discharged on parole after the prison sentence. In 2012, 600 persons were discharged on parole (8.14% of the total number of discharges) and in 2015 — 1,581 convicted persons were discharged on parole, which is 26.4 % of the total number of the persons discharged from prison.

116. The total number of persons deprived of liberty has been at an approximately the same level since the end of 2012, although the number of persons discharged from prison on the basis of amnesty has reduced (in 2012, 1228 persons were discharged, in 2013 — 1221 persons, in 2014 — 282 persons and during 2015 — 49 persons).

117. The Administration for Execution of Penitentiary Sanctions obtained funds from the EU — IPA 2013 for training of staff and promotion of the work of the Centre for Training and Vocational Education of the Administration. After signing an agreement with the twinning partner, training sessions will be delivered for trainers-staff of the department for treatment about conducting the specialized treatment programmes for the convicted persons.

118. In cooperation with the ministry in charge in education, the programme of Functional primary education of adult convicted persons serving time in prisons is implemented.

119. The Law on Enforcement of Criminal Sanctions stipulates the right of persons deprived of liberty to healthcare. Reconstruction of the Special Prison Hospital in Belgrade is planned for the end of 2017. In 2016, the centralized procurement of medical equipment was performed. In cooperation with the Ombudsman and CSOs, training sessions for healthcare professionals are organized.

## Elimination of all forms of slavery (article 8)

120. The police, social workers and other government authorities identify the victims of human trafficking and inform the Centre for Human Trafficking Victims Protection (CHTVP). The efficient identification of human trafficking victims, including the asylum seekers and unaccompanied minors, as well as their referral, is enabled by forming of special police units within the Border Police Administration (including the Regional Centres of Border Police towards the neighbouring countries), Criminal Police Administration, Police Administration for the City of Belgrade and all regional police administrations. Reporting of potential cases and their investigation regarding the asylum seekers and unaccompanied minors is made easier in Serbia, as the Asylum Office is located within the Border Police Administration and they daily share informations.

121. Regarding the application of Indicators for the preliminary identification of human trafficking victims, the team of 20 trainers was formed for the systems of social welfare, police and education. 496 experts were trained, among which 118 police officers.

122. The structure of courtrooms and equipment in courts make the protection of victims impossible, both when using ICT and during making statements. Support and empowerment of victims to participate in the court procedure is provided through the protection plan, and during the testimony, there are always persons that victims trust present (usually CHTVP staff or CSO associate), and in case of children, those persons are usually their guardians, appointed by the centre for social work. In all the proceedings, victims have attorneys provided through the victim support.

123. Within the twinning project implemented by the consortium of experts from the Netherlands, Austria and Slovenia, "Police Reform — Promotion and Implementation of Mechanisms for a Comprehensive and Consistent Monitoring of Legal Migrations in the Republic of Serbia", the Draft Law on Foreigners is prepared. According to the Draft Law

from September 2016, trafficking victims, including children who are victims, will be approved temporary residence of up to one year and a possibility of an extension for the same period, in accordance with their best interest.

124. In cooperation with the Border Police Administration, Touristic Inspection, Market Inspection and Tax Administration, the Labour Inspection controlled the hospitality facilities on the territory of the Republic of Serbia, particularly the areas near the border, during the late night hours and found unregistered workers. Some of them were foreign citizens, and some of them were suspected to be the potential victims of trafficking.

125. As far as the cases of labour exploitation in the Russian Federation and Sochi in 2014, as well as measures for identifying and processing those cases, all the injured parties — trafficking victims are the citizens of the Republic of Serbia.

126. In 2014, the following were filed: 2 criminal charges for labour exploitation (35 persons affected) and 3 criminal charges for multiple exploitation (3 persons affected). Mostly adult males were affected by the labour exploitation.

127. The result of checking the "shady advertisements" in 2014 was filing the total of three criminal charges against five persons (4 citizens of Serbia and 1 citizen of BaH) by the police officers due to existence of grounded suspicion that they had performed criminal offense of "Unauthorized practice of a particular activity".

128. In May 2014, criminal charges were filed against one person who, for the purpose of acquiring illegal material benefit, mediated in finding employment in Germany, on the territory of Novi Sad from January to March 2014. Criminal charges were also filed against one person who mediated in employment of nine persons abroad, without authorization.

129. In six cases, decisions on temporary ban on practicing activities in employment and advertising were made. The Market Inspection filed charges for commercial offense against legal entities and responsible persons of those legal entities. In two cases, misdemeanour charges were also filed, as those were the cases of natural persons mediating in employment.

130. The Labour Law prohibits labour of children younger than 15, and persons younger than 18 are prohibited from performing jobs: requiring particularly hard physical work, working underground, under water or at high altitude; jobs including exposure to harmful radiation or agents that are toxic, carcinogenic or that cause hereditary diseases, as well as health risk due to cold, heat, noise or vibration; that, based on the finding of the relevant health authority, could harmfully and with an increased risk affect their health and lives, considering their psychophysical abilities.

131. Certain types of work engagement of minors are explicitly prohibited by the Family Law, and a parent abusing the rights or grossly neglecting the duties referred to in the contents of the parental rights will be completely deprived of the parental right.

132. In 2015, labour inspectors found persons younger than 15 at work. 36 persons aged between 15 and 18 were found: 17 persons in wholesale and retail businesses, 8 in agriculture, 6 in foodstuff production, two in accommodation and food services, one in personal services, one in financial services and one in construction business.

133. The Law on Inspection Supervision extended the jurisdiction of the Labour Inspection, so apart from the registered entities, it may control the unregistered ones as well.

134. The Coordination Commission was established by the Government Decision, and it formed 7 Working Groups and 2 Expert Teams, one of which undertakes measures and activities for the informal labour suppression.

In July 2016, the Ministry in charge of labour formed the Inter-ministerial Working Group for preparing the Draft List of Hazardous Jobs for Children.

135. The International Labour Organization Project "National Level Engagement and Support for Reduction of Child Labour" is being implemented during 2016 and 2017. Labour Inspectorate, CSW representatives, MoI, CHTVP, and Ministry of Education are participating in this Project. The Project includes analysis and promotion of the legislative framework, consultative workshops for the representatives of government institutions, labour unions, associations of employers and CSOs, delivering training for labour inspectors and representatives of other relevant institutions. Drafting of a study on exploitation of children and child labour is planned, with emphasis on abuse of children for begging and pornography, along with drafting of a comprehensive National Strategy and National Action plan for combating child labour. A pilot programme for rehabilitation of Roma children in order to get them off the street and motivate them to return to school will be implemented.

## Rights of displaced persons, refugees and asylum seekers (articles 7 and 13)

136. In cooperation with local self-government units, the Commissariat for Refugees and Migration continued with resolving the housing issue of the displaced persons and refugees in the informal collective centres. Housing issues of Roma families were resolved and the following informal centres were closed in Kraljevo, Novi Pazar and Kragujevac. The number of displaced persons and refugees in the collective centres was reduced from 495 to 171. The collective centre in Rača was closed, and 142 Roma displaced persons and refugees were taken care of. Improvement of living conditions for 4,309 displaced persons and refugees in private accommodation was made possible along with economic empowerment for 3,618 displaced persons and refugees, with the assessed share of Roma of about 20%.

137. The Law on Registry Books and Guide for keeping the registry books and forms of registry books govern the procedure of renewal of the destroyed or missing registry books maintained for the territory of the Autonomous Province Kosovo and Metohija, pursuant to which 2,919 registrations in total were performed in 2015.

138. Pursuant to the Rulebook on the form of temporary residence registration at the address of the institution, or SCW, the Ministry of Interior made decisions on establishing residence and issuing personal documents for 1,686 persons (majority of them being Roma in the informal settlements).

139. Persons who are displaced from under the Gazela Bridge in the Belville residential complex, were issued documents through urgent procedure and registration of residence was performed for 1,095 persons.

140. The Law on Asylum stipulates that every foreigner, when passing the border control at the entrance to the Republic of Serbia or within its territory, may verbally or in writing express an intention to seek the asylum. The police officer will issue the Certificate on the expressed intention to seek asylum in Serbia to the foreigner, and the asylum seeker will be entered in the electronic database of the Ministry of Interior, with an obligation to report to one of five asylum centres within 72 hours.

141. The Law on Asylum stipulates that an asylum seeker will not be punished provided that they submit the application for the asylum without delay and provide valid explanation for the illegal entrance. Persons may not be deported or returned against their own will to the territory where their lives and liberty would be threatened because of their race, gender, language, religion, nationality, affiliation with a certain social group or political attitudes, unless the person does not endanger the security of the country or a that person has been convicted of a serious crime by a final verdict and poses a danger to public order.

142. The Law on Asylum stipulates the principle of a special care about the asylum seekers with special needs, among which are the minors. A guardian will be appointed to an unaccompanied minor before submitting the application for the asylum. Admission of juvenile asylum seekers in Serbia is performed in the Centre for accommodation of the minor foreigners who are not accompanied by parents or guardians.

143. The ministry in charge of social issues drafted the Instruction on actions of the centres for social work and social welfare institutions for accommodation of beneficiaries in providing protection and accommodation to unaccompanied minor migrants. The accommodation may last until the moment when the minor immigrant expresses the wish to obtain asylum, pursuant to the Law on Asylum, when he or she will be provided accommodation at the asylum centre. Minor foreigners are put to the reception centres accompanied by the police officers and CSW staff on duty, with their identity previously established by CSW, based on the statement of the minors themselves. Treatments is short-term, focusing on stabilizing a child/young person, assessment of their needs and further form of protection. The psycho-social assistance in the reception centres is also provided by the psychologists from the CSOs.

144. In 2016, the Commissariat expanded its capacities, in accordance with the current migrant crisis, so that the accommodation for 1,210 migrants was provided in the permanent centres, whereas the accommodation for 3,360 persons was provided in the transit centres. Capacities for the accommodation of about 770 persons more are in preparation stage.

145. The Asylum Office has no knowledge of abuse and extortion over the asylum seekers by the Serbian Police and members of the Border Police.

## Right to fair trial and judiciary independence (article 14)

146. During the last elections of Public Prosecutors' Deputies for the period of three years (elections for probation period), the legislative authorities accepted all the proposals of the National Council of Prosecutors, and all the proposed candidates were elected, so that the National Assembly transformed its right to select into some kind of nomination of candidates previously identified by the Council. In a similar manner, at the beginning of this year, elective member of the Council were selected among public prosecutors and deputy public prosecutors. This practice created assumptions that even before the constitutional changes, the political influence on the selection of holders of public prosecutor's office could be reduced or excluded.

147. The amendments to the Law on Judges stipulate that expertise and capacity of a candidate for judge, elected for that position for the first time in the basic and misdemeanour court, is to be verified on the exam organized by the High Judicial Council.

148. In 2016, the Government adopted the Code of Conduct for the members of the Government stipulating the limits of commenting on judicial decisions and procedures, and the Draft of a code like this for the MPs is being prepared. Guide for communication between the Public Prosecutor's Offices, media and public, with recommendation for specific actions, was developed.

149. The High Judicial Council and the National Council of Prosecutors are also working on amending their Rules of Procedure to regulate this field, too.

150. In terms of assigning cases to the so-called "randomly selected judge", we cannot talk about failure, as the exception to that rule may be stipulated only by a special law, if there is a justified reason for that. Such an exception is stipulated by the Law on Protection

of Right to Trial in a Reasonable Period, and even then the case is assigned to a judge whose turn it is to obtain to be assigned the next case.

151. Judicial reform is implemented through the National Strategy for Judicial Reform and the Action Plan for Chapter 23 (more than 90% of the activities due have been fully or partially realized).

152. In terms of automatic allocation of cases, analysis of the existing ICT system through assessment of hardware components and HR analysis was performed. Guidelines determining the development of ICT system were developed. Sector Council for ICT was also established.

153. Establishing the system of private enforcement agents, public notaries and mediation in resolving disputes should reduce the burden of the courts, accelerate resolving of old cases, shorten the duration of court proceedings and promote access of citizens to justice.

154. The Court Rules of Procedure were amended, and special labelling of old cases on the front page was introduced: OLD CASE — for cases lasting for more than two years; URGENT-OLD CASE — for cases lasting for more than five years; VERY URGENT-OLD CASE — for cases lasting for more than ten years. Through "Case Duration Tracking", courts of first instance may track cases older than 2 years, courts of second instance may track procedures regarding legal remedies lasting more than one year. Teams for the reduction of the number of old cases were formed in all courts.

155. In 2015, the Supreme Court of Cassation started training of judicial assistants and advisors of the republic level courts, appellate and higher courts on data sharing. Standards in terms of format, manner of keeping and management of the final court decisions sent to the courts of first instance and/or parties were adopted through use of the application for vertical and horizontal sharing.

156. The Supreme Court of Cassation adopted the Amended Single Programme of Resolving the Old Cases.

157. The Draft Law on free legal aid includes suggestions of the bar chambers. The draft was submitted to the competent ministries for their opinion, and the adoption of this law is expected by the end of the year. The Ministry of Justice will monitor and publish the annual report on the implementation of the Law.

158. Regarding promotion of access to regulation and court practice, PE Official Gazette made available to all the Internet users, free of charge, the following: unofficial consolidated versions of the applicable regulations at the level of the Republic, original official gazettes in PDF format in which both basic texts of the regulations and their amendments were published. Access to database of court practice is also free of charge.

## Right to privacy and family life (article 17)

159. The Draft Law on Protection of Personal Data is being developed, in accordance with the tables of compliance and expert recommendations, the Draft Law of the Commissioner for the Information of Public Importance and Protection of Personal Data and Draft Regulation of the European Parliament and Council on protection of individuals regarding processing of personal data and free movement of such data.

## Freedom of conscience and religion (articles 2, 18 and 26)

160. Starting from the fact that existence and activities of all churches and religious communities is based on the principles of religious pluralism and because of many different

churches and religious communities in the in the legal order of the Republic of Serbia, there are procedures and criteria for registration. The Law on Churches and Religious Communities identifies various religious entities and legally verifies their existence. This does not prohibit creation of new churches and religious communities, but stipulates conditions under which they may acquire dignity and status of churches and religious communities and enter the legal order as the entity of religious freedoms (as the religious community). Registration pursuant to the law is an option to obtain the status of church and religious community and acquire legal personality in the Republic of Serbia.

## Freedom of expression and peaceful assembly (articles 19 and 21)

161. The Law on Public Information and Media introduced the Registry of Media, kept by the Serbian Business Registers Agency, to provide data about the media to the public http://www.apr.gov.rs/%D0%A0%D0%B5%D0%B3%D0%B8%D1%81%D1%82%D1%80%D0%B8.%D0%9C%D0%B5%D0%B4%D0%B8%D1%98%D0%B8.aspx.

162. Public information is free and not subject to censorship. The Ministry of Culture and Information supervises the implementation of media laws and within its competence initiates the misdemeanour proceedings.

163. Pursuant to the Code of Ethics of journalist, the self-censorship is considered as violation of professional and ethical norms, and it is under the competence of the self-regulatory bodies, such as the Media Council. When the Ministry observes certain types of conduct not sanctioned by the law which it finds to be violations of certain ethical standards in the field of media, it will always address the self-regulatory bodies with the initiative to review these types of conduct and undertake certain measures within their competence.

164. After obtaining comments and proposals of the associations of journalists, the representatives of the Public Prosecutor's Office prepared the Draft Cooperation Agreement and measures for increasing the level of safety of journalists. The Republic Public Prosecutor the Minister of Interior signed the Cooperation Agreement in April 2016, supported by the representative associations of journalists, with considering the introduction of a specialized state body to deal with protection of journalists (Ombudsman for journalist).

165. In December 2015, the Republic Public Prosecutor issued the Instruction according to which separate records are to be kept in the appellate, higher and basic public prosecutor's offices for criminal offences against persons performing jobs of public importance in the field of information regarding the jobs they perform and attacks on the media web pages. Urgent action is stipulated in these cases.

166. The Law on Public Assembly was adopted on 5 February 2016.

## Right to citizenship (articles 23, 24 and 26)

167. The largest number of applications for the subsequent registration of birth into the Register of Births was received in 2009 — 9,573 and 2010 — 7,996 applications. In 2011 the number of applications was 774, in 2012 — 1,552, in 2013 — 784, in 2014 — 419 and in 2015, 1,072 applications for the subsequent registration of the fact of birth into the Register of Births were resolved. In 2014, 149 proposals for establishing time and place of birth were resolved, and 264 proposals were resolved in 2015. It is not possible to state which of these registrations pertain to members of the Roma national minority, as no one is obliged to declare their nationality.

168. The Technical Group was formed, tasked with realizing registration of Roma national minority members into the Register of Births, and other rights concerning the personal status. During the meetings "News in the field of registration in the Registers of Births, registration of temporary residence and obtaining of personal documents" held throughout Serbia from 2013 to 2015, representatives of Roma associations were informed about faster and simpler manners in which they could regulate the citizenship, recording of residence and obtaining of personal documents. From 2014 to 2016, trainings for police officers, registrars and deputy registrar and staff of the centres for social work were held.

## Right to taking part in public affairs (articles 25, 26 and 27)

169. The Law on Employees in the Autonomous Provinces and Local Government Units stipulates the principle of equal opportunities in the process of employment to all the candidates under equal terms. When employing new staff, the national composition, genders and the number of persons with disabilities need to reflect the structure of population to the greatest extent possible. In accordance with this Law, 3 regulations on criteria for distribution, description and fulfilment of jobs of civil servants and officers in the autonomous provinces and local self-government units were adopted.

## Dissemination of information pertaining to the Covenant and its Optional Protocols (article 2)

170. The Office for Human and Minority Rights published the Third Periodic Report on the implementation of the CCPR and the Concluding Observations of the Human Rights Committee on its web page, in Serbian and English. The Office also forwarded the Concluding Observations to all the relevant departments, at all level of authority, to inform and make them act in accordance with their competences. During the drafting the Response to the additional questions of the Committee, the Office informed and consulted all the competent departments, in order to provide complete answers and prepare for the coming presentation of the Third Periodic Report.

171. During the annual basic training, through the course "Human Right and Code of Ethics of the Police" and "Human Rights and Basic Human Freedoms" the provisions of the CCPR are being discussed at the MoI.

172. YUCOM and Belgrade Centre for Human Rights participated in drafting of the Third Periodic Report.